

REMARKS/ARGUMENTS

In the Office Action dated March 24, 2006, Claims 1-10 were pending. In the Office Action, the Examiner rejected all 10 pending claims. No claims have been added or cancelled from the pending application; though Claims 1 and 6 have been amended. The following remarks will follow the order set forth in the Office Action.

Applicant thanks the Examiner for entering Applicant's submission filed March 2, 2006 and for engaging the undersigned in an Interview on May 2, 2006. Applicant believes that the Amendments made to Claims 1 and 6 of the pending application render the claims patentable over the art cited by the Examiner in his March 24 Office Action.

Detailed ActionSummary of the Interview

On May 2, 2006, the undersigned and Examiner Edell participated in a telephonic interview to discuss the terms innate and trapezoidal shaped in light of the bladder taught in Stewart et al. Applicant indicated that the term "innate" in reference to "innately trapezoidal shaped" require that the trapezoidal shape of the bladders side panels be the shape at the "time of birth" of the side panel in contrast to the trapezoidal shape of the bladder taught in Stewart et al. in which the trapezoidal shape is imparted by the scissor braces of the apparatus. The Examiner set forth that the broadest interpretation of the term "innate" requires that the trapezoidal shape merely be an inherent characteristic of the side panels which the Examiner reiterated that Stewart et al. teaches.

The undersigned and Examiner Edell discussed adding claim language to claims 1 and 6 to define the shape of the front and rear portions of the bladder. Examiner Edell suggested language reciting that the front and rear portions had a rectangular construction wherein the material for the rear portion has a greater height than the front portion which aids in imparting the trapezoidal shape to the side panels when the bladder is fully inflated. This would appear to teach away from Stewart et al. because the bladder of Stewart et al. has a tubular construction

without rectangular front and rear portions wherein the rear portion is of a greater height than the front portion.

As indicated above Applicant thanks Examiner Edell for his time in conducting the interview.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected Claims 1-3 and 6-8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,113,188 to Stewart et al. In its submission dated March 2, 2006, Applicant set forth arguments and amendments to the claims seeking to distinguish the subject invention from that described in the '188 patent. It remains Applicant's assertion that the bladder shown in Figs. 2 and 3 of the '188 patent are not innately trapezoidally shaped, insofar as the shape of the side panel depicted in Fig. 2 is not innate, but is acquired (a term that is opposite of innate) as a result of the action of the side scissor braces on an otherwise rectangular panel. Fig. 3 depicts a rectangular front panel having more than one set of parallel sides which does not make it a trapezoid, a trapezoid being defined as a four-sided shape having only one pair of parallel sides. Nevertheless, Applicant has offered new amendments to Claims 1 and 6 which attempt to further define the shape of the side panels and the distinctive quality over what is shown in the '188 patent. Specifically, both Claims 1 and 6 now require that the front and rear portions have a rectangular construction, wherein the height of the rear portion is at least three times the height of the front portion when the bladder is fully inflated. The limitation that the height of the rear portion is at least three times the height of the front portion was previously disclosed in each of Claims 1 and 6 and was, accordingly, deleted from elsewhere in each Claim respectively. The bladder depicted in Figs. 2 and 3 of the '188 patent does not comprise front and rear portions that are constructed so that the height of the rear portion is at least three times the height of the front portion. Rather, the front and rear portions of the bladder in the '188 patent are constructed to have a similar height, consistent with its description as a "polyurethane fabric tube" C. 3, l. 5.

Applicant believes that the proposed amendment to Claim 1 and Claim 6 are consistent with the intent of Applicant's previous amendments in referring to the side panels as being innately trapezoidal shaped. Those amendments as well as the amendments described herein are intended to define a shape, particularly with respect to the side panels that is initially constructed so as to define a trapezoidal shape on inflation of the bladder in a manner wherein the shape is not imposed upon it by an outside force. In light of the interview that the undersigned had with the Examiner, it is believed that the proposed amendments made to Claims 1 and 6 help to clarify the distinction being made between the subject invention and the device in the '188 patent.

Claims 2 and 3 and 7 and 8 depend from Claim 1 and 6 and insofar as all of the claim limitations in respective Claims 1-6 are read into each of Claims 3, 4, 7 and 8 and insofar as Claims 1 and 6 are distinct over the device cited in the '188 patent, these Claims are allowable.

Claims 4, 5, 9, 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stewart et al. as applied to Claims 1-3 and 6-8 and further in view of U.S. Patent 6,264,279 to Chow. Insofar as Claims 4, 5, 9 and 10 depend from independent Claims 1 and 6, respectively, and insofar as all claim limitations in Claims 1 and 6 must be read into Claims 4, 5, 9 and 10.

CONCLUSION

Applicant now believes that this amendment complies with 37 C.F.R. § 1.121 and thus requests examination of this Amendment. Applicant respectfully requests that a timely Notice of Allowance be issued in this case,

Respectfully submitted,

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